

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 3, 4, 5, 7, 8. The location of the figure identification has been moved to the lower center of the figure. Additionally, Fig. 5 has been moved from between Figs. 3 and 4 to between Figs. 4 and 6. These sheets replace the drawing sheets for Figs. 3, 5, 4, 7, and 8.

In Figure 3, a notation of 2/6 along the top edge was deleted.

Figure 4, was moved from after Figure 5 to before Figure 5, notation of 3/6 along the top edge was deleted, and the figure identification number was moved from the middle of the figure to the bottom center of the figure.

Figure 5 was moved from before Figure 4 to after Figure 4.

Figure 6, the figure identification number was moved from the middle of the figure to the bottom center of the figure.

Figure 7, the figure identification number was moved from the middle of the figure to the bottom center of the figure.

In Figure 8 the figure identification number was moved from the top of the figure to the bottom center of the figure.

Attachment: Replacement sheet

REMARKS/ ARGUMENTS

Applicant has carefully studied the nonfinal Examiner's Action mailed July 11, 2007, having a shortened statutory period for response, with extension, set to expire October 11, 2007. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by Office, to ensure full response on the merits to each finding of Office.

Priority Correction

Applicant has amended paragraph 1 of the application to properly reflect the priority status of the application. A copy of the corrected filing receipt is attached hereto.

Claim Rejections - 35 U.S.C. § 112

Applicant gratefully acknowledges and appreciates Office's discovery of Applicant's errors in establishing an antecedent basis in the claims. Applicant has amended the claims, addressing Office's concerns.

Accordingly, Applicant respectfully requests Office withdraw its objection to the specification for clarity.

Claim Rejections - 35 U.S.C. § 103

For prior art to invalidate a patent application, the art must suggest or motivate an individual to modify or combine prior art to reach the invention, provide a reasonable expectation of success, and teach or suggest all the claim limitations.¹ For art to implicitly suggest a specific combination, the combined knowledge of the field, and "the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art" to combine the references.² Further, the prior art must be reviewed as a whole, including parts that teach away from the invention.³ Finally, even though all aspects of the invention are taught, the invention is not *per se* obvious.⁴

Claims 3, 4, 6, 11

¹ MPEP 2143.

² MPEP 2143.01(I).

³ MPEP 2143.03(VI).

⁴ See, MPEP 2143.01(IV).

Applicant acknowledges claims 3, 4, 6, 11 stands rejected under 35 U.S.C. § 103(a), as being unpatentable under Hubscher (U.S. Pat. No. 5,494,830), in view of La Motte (U.S. Pat. No. 5,882,595).

The current invention teaches an antibody/ antigen detection device, where antibody or antigen is bound to adsorbent cylindrical probes, which device is able to be introduced directly in an entire sample collected in a test tube.

Hubscher teaches a method for detecting immune reactions of a fluid by inserting a detection complex-tipped rod into the fluid.⁵ However, Office notes Hubscher fails to teach the use of a microplate, microwells, or a rod enabled to penetrate a microwell.⁶ Further, Hubscher teaches the tip of the rod must expand to a larger side than the rod, so to "present a large surface area for adsorbing or ... bonding allergen material."⁷ La Motte teaches a series of microplate receiving flanges which may be heated.⁸ Microplates are placed into the flanges and a comb is placed into the wells.⁹ La Motte teaches the comb may be magnetized to collect streptavidin beads, which may then be magnetized to collect a biomolecule.¹⁰

Neither Hubscher nor La Motte teach the use of adsorbent cylinders that penetrate into a test tube, as limited in claim 3. Further, Hubscher teaches the adsorbent probe must have a "large area"¹¹, presumably referring to the surface area of the adsorbent probe. Hubscher deals with this limitation by providing a large conical device attached to the tip of a rod.¹² However, neither Hubscher nor La Motte teaches how to create a probe with sufficient surface area which fits into a microwell. Moreover, neither Hubscher nor La Motte teaches the use of a series of adsorbent probes attached transversely to a rod. Therefore, Hubscher and La Motte fail to teach the current invention and fail to make the invention obvious. Because Hubscher and La Motte fail to obviate independent claim 3, all claims dependent upon claim 3, including 4, 6, and 11, are also patentable, as a matter of law.

Applicant has withdrawn claim 11, rendering a rejection thereto moot.

⁵ See, Hubscher, US Pat. No. 5,494,830, column 2, lines 10-28.

⁶ Office Action dated July 11, 2007, page 5.

⁷ Hubscher, US Pat. No. 5,494,830, column 4, lines 16-19.

⁸ La Motte, US Pat. No. 5,882,595, column 2, lines 19-57.

⁹ La Motte, US Pat. No. 5,882,595, column 1, lines 64-67.

¹⁰ La Motte, US Pat. No. 5,882,595, column 3, lines 65-67; column 4 lines 1-3.

¹¹ Hubscher, US Pat. No. 5,494,830, column 4, lines 16-19.

¹² Hubscher, US Pat. No. 5,494,830, column 4 lines 19-28

Accordingly, Applicant respectfully requests that the rejection of claims 3, 4, and 6 be withdrawn.

Claims 9, 10

Applicant acknowledges claims 9, 10 stand rejected under 35 U.S.C. § 103(a), as being unpatentable under Hubscher, in view of La Motte, Bojanic, et al. (U.S. Pat. No. 5,417,923), and Kobylecki, et al. (U.S. Pat. No. 6,153,375).

Applicant has withdrawn claim 10, rendering the objection thereto moot.

As discussed *supra*, Hubscher and La Motte fail to obviate claim 3. As claim 9 is dependent upon claim 3, claim 9 is patentable as a matter of law. Accordingly, it is respectfully requested that the rejection of claim 9 be withdrawn.

Conclusion

Entry of a Notice of Allowance is solicited. If Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,

SMITH & HOPEN

By: 

Dated: October 11, 2007

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CERTIFICATE OF MAILING
(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 1641, Attn: Melanie Yu, (571) 273-8300, on October 11, 2007.

Dated: October 11, 2007

A handwritten signature in cursive script, reading "L. Reeves", written over a horizontal line.

Lauren Reeves